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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Emmsley Ikaika,

10 Plaintiff,

11 v.

12 Todd Thomas, et al.,

13 Defendants.
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No. CV-17-04794-PHX-DLR

ORDER

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16 Before the Court is Plaintiff Emmsley Ikaika's civil rights complaint pursuant to
17 42 U.S.C. § 1983 and United States Magistrate Judge Bridget S. Bade's Report and
18 Recommendation ("R&R"). (Docs. 15, 19.) The R&R recommends that this matter be
19 dismissed for failure to comply with court orders pursuant to Fed. R. Civ. P. 41(b).

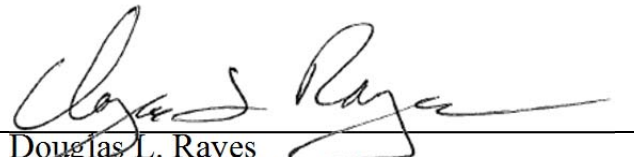
20 Specifically, on August 3, 2018, the Magistrate Judge screened Plaintiff's
21 complaint and ordered the United States Marshal Service ("USMS") to serve Defendant
22 Thomas. (Doc. 16 at 5.) To facilitate service of process, the Magistrate Judge directed
23 Plaintiff to return a completed service packet to the Court within twenty-one days of the
24 August 3, 2018 Order. (*Id.*) Plaintiff, however, failed to do so. Instead, Plaintiff filed a
25 motion to postpone the case until he was released from custody (Doc. 17), which the
26 Magistrate Judge denied (Doc. 18). The Magistrate Judge, however, extended the
27 deadline for Plaintiff to return a completed service package to September 20, 2018, and
28 warned Plaintiff that failure to comply with the extended deadline may result in dismissal

1 of the action without prejudice for failure to comply with the court's order. (*Id.* at 2.)
2 The deadline passed without Plaintiff submitting a completed service packet or otherwise
3 responding the Magistrate Judge's order. As a result, the Magistrate Judge recommended
4 this matter be dismissed pursuant to Fed. R. Civ. P. 41(b).

5 The Magistrate Judge advised the parties that they had fourteen days to file
6 objections to the R&R and that failure to file timely objections could be considered a
7 waiver of the right to obtain review of the R&R. *See United States v. Reyna-Tapia*, 328
8 F.3d 1114, 1121 (9th Cir. 2003). Plaintiff did not file objections, which relieves the
9 Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas*
10 *v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at
11 all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3)
12 (“The district judge must determine de novo any part of the magistrate judge's
13 disposition that has been properly objected to.”). The Court has nonetheless reviewed the
14 R&R and finds that it is well-taken. The Court will accept the R&R and dismiss
15 Plaintiff's civil rights complaint. *See* 28 U.S.C. § 636(b)(1) (stating that the district court
16 “may accept, reject, or modify, in whole or in part, the findings or recommendations
17 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
18 or modify the recommended disposition; receive further evidence; or return the matter to
19 the magistrate judge with instructions.”).

20 **IT IS ORDERED** that Magistrate Judge Bades' R&R (Doc. 19) is **ACCEPTED**.
21 Plaintiff's civil rights complaint (Doc. 15) is **DISMISSED**. The Clerk of the Court shall
22 terminate this case.

23 Dated this 15th day of November, 2018.

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26 
27 Douglas L. Rayes
28 United States District Judge